

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

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CIVIL ACTION NO.
1:17-cv-2989-AT

ORDER

The parties have jointly requested a status conference with the Court to seek guidance and assistance in developing a schedule for completion of discovery and setting a date for a trial on the merits of Plaintiffs' claims.


In the October 15, 2019 Order granting Plaintiffs leave to amend their claims to challenge Georgia's electronic ballot-marking device (BMD) voting system, the Court noted its ruling was based on the following caveats: the parties would hold a new Rule 26(f) conference to create a new preliminary report and discovery plan and meet and confer as to new deadlines for the case going forward. (Doc. 626 at 2.) The Court directed the parties to conduct their Rule 26(f) conference on Plaintiffs' Amended Complaints within 10 days of the Court's ruling on Defendants' motions to dismiss (in the event of a denial of those motions). (*Id.* at 3.) On July 30, 2020, the Court entered its Order on Defendants' motion to dismiss and allowed the majority of Plaintiffs' claims to proceed. (Doc. 751.) Because of the delay in the ruling and the upcoming elections, the Court authorized discovery on

the amended claims to begin immediately. At that time, the parties were in disagreement about the scope and schedule for expedited discovery to be completed in advance of a hearing on Plaintiffs' renewed motions for preliminary injunction. The Court set a schedule for limited expedited discovery, held a hearing on the pending preliminary injunction motions, and issued two lengthy orders that are pending on appeal.

In the midst of the above litigation melee and Defendants' consumption in two election cycles plus intensive multiple other election cases, it appears the parties have not been able to coordinate on a discovery plan and case schedule until now – some five months after the Court's ruling on Defendants' motion to dismiss.

Accordingly, the parties are **DIRECTED** to submit their alternate proposed scheduling orders to the Court **BY JANUARY 14, 2021**. The Court will reserve a time in the afternoon of either January 19th or January 20th for a telephone conference. If the Court is able to resolve the scheduling issues after review of the parties' separate proposals without a conference, the Court will notify the parties.

IT IS SO ORDERED this 8th day of January, 2021.



Amy Totenberg
United States District Judge